

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1097, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 30, after "(6)" insert "**the true tax value of mobile**
- 2 **homes assessed under IC 6-1.1-7 (other than mobile homes subject**
- 3 **to the preferred valuation method under IC 6-1.1-4-39(b)) as the**
- 4 **least of the values determined using the following:**
- 5 (A) The National Automobile Dealers Association Guide.
- 6 (B) The purchase price of a mobile home if:
- 7 (i) the sale is of a commercial enterprise nature; and
- 8 (ii) the buyer and seller are not related by blood or
- 9 marriage.
- 10 (C)".
- 11 Page 2, line 30, delete "sales" and insert "Sales".
- 12 Page 2, line 30, delete "," and insert ";".
- 13 Page 2, line 30, delete "which".
- 14 Page 2, delete lines 31 through 33.
- 15 Page 2, line 34, delete "fair market" and insert "**true tax**".
- 16 Page 2, line 34, after "value" insert "**at the time of acquisition**".
- 17 Page 3, between lines 9 and 10, begin a new paragraph and insert:
- 18 "SECTION 3. IC 13-21-3-10 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) A controller
- 20 selected under section 9 of this chapter shall do the following:
- 21 (1) Be the official custodian of all district money **and, subject to**

the terms of any resolution or trust indenture under which bonds are issued under this article, deposit and invest all district money in the same manner as other county money is deposited and invested under IC 5-13.

(2) Be responsible to the board for the fiscal management of the district.

(3) Be responsible for the proper safeguarding and accounting of the district's money.

(4) Subject to subsection (c), issue warrants approved by the board after a properly itemized and verified claim has been presented to the board on a claim docket.

(5) Make financial reports of district money and present the reports to the board for the board's approval.

(6) Prepare the district's annual budget.

(7) Perform any other duties:

(A) prescribed by the board; and

(B) consistent with this chapter.

(b) A controller selected under section 9 of this chapter:

(1) does not exercise any sovereign authority of the state; and

(2) does not hold a lucrative office for purposes of Article 2, Section 9 of the Constitution of the State of Indiana.

(c) The board may, by resolution, authorize the controller to make claim payments for:

(1) payroll;

(2) the state solid waste management fee imposed by IC 13-20-22-1; and

(3) certain specific vendors identified in the resolution;

without the claims being first approved by the board if before payment the claims are approved in writing by the chairperson of the board or in the absence of the chairperson another member of the board designated by the chairperson. The claims shall be reviewed and allowed by the board at the board's next regular or special meeting.

SECTION 4. IC 13-21-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A board that has imposed fees under section 1 of this chapter shall establish and continuously maintain a separate fund under this section to be known as the "_____ district solid waste management fund".

(b) All fees remitted to the district under section 1 of this chapter shall be deposited in the fund.

(c) Money in the fund may be used only for the following purposes:

(1) To pay expenses of administering the fund.

(2) To pay costs associated with the development and

1 implementation of the district plan.

2 (d) The controller of the district shall administer a fund established
3 under this section. Money in the fund that is not currently needed for
4 the purposes set forth in subsection (c) ~~may~~ **shall be deposited and**
5 invested in the same manner as other county money ~~may be~~ **is**
6 **deposited and** invested **under IC 5-13**. Interest that accrues from these
7 investments shall be deposited in the fund. Money in the fund at the end
8 of a district's fiscal year does not revert to:

9 (1) a county general fund; or

10 (2) any other fund.

11 (e) The controller of a district shall:

12 (1) file an individual surety bond; or

13 (2) revise an existing bond;

14 in a sufficient amount determined under IC 5-4-1-18 to reflect the
15 liability associated with the handling of the district's money.

16 SECTION 5. IC 20-26-5-22.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2005]: **Sec. 22.5. (a) A school corporation**
19 **may participate in the establishment of a public school foundation.**

20 **(b) The governing body of a school corporation may receive the**
21 **proceeds of a grant, a restricted gift, an unrestricted gift, a**
22 **donation, an endowment, a bequest, a trust, an agreement to share**
23 **tax revenue received by a city or county under IC 4-33-12-6 or**
24 **IC 4-33-13, or other funds not generated from taxes levied by the**
25 **school corporation to create a foundation under the following**
26 **conditions:**

27 (1) The foundation is:

28 (A) exempt from federal income taxation under Section
29 501(c)(3) of the Internal Revenue Code; and

30 (B) organized as an Indiana nonprofit corporation for the
31 purposes of providing educational funds for scholarships,
32 teacher education, capital programs, and special programs
33 for school corporations.

34 (2) Except as provided in subdivision (3), the foundation
35 retains all rights to a donation, including investment powers.
36 The foundation may hold a donation as a permanent
37 endowment.

38 (3) The foundation agrees to do the following:

39 (A) Distribute the income from a donation only to the
40 school corporation.

41 (B) Return a donation to the general fund of the school
42 corporation if the foundation:

- 1 **(i) loses the foundation's status as a foundation exempt**
 2 **from federal income taxation under Section 501(c)(3) of**
 3 **the Internal Revenue Code;**
 4 **(ii) is liquidated; or**
 5 **(iii) violates any condition set forth in this subdivision.**
 6 **(c) A school corporation may use the proceeds received under**
 7 **this section from a foundation only for purposes of the school**
 8 **corporation.**
 9 **(d) The governing body of the school corporation may appoint**
 10 **members to the foundation.**
 11 **(e) The treasurer of the governing body of the school**
 12 **corporation may serve as the treasurer of the foundation."**
 13 Renumber all SECTIONS consecutively.
 (Reference is to HB 1097 as reprinted January 25, 2005.)

and when so amended that said bill do pass .

Committee Vote: Yeas 11, Nays 0.

Senator Kenley, Chairperson